

CHAPTER 421  
MANUFACTURED OR MOBILE HOME RETAILERS,  
MANUFACTURERS AND DISTRIBUTORS  
[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch7]

**761—421.1(322B) Definitions.** The definitions in Iowa Code section 322B.2 are made part of this chapter. In addition, the following words and phrases when used in this chapter shall have these meanings respectively ascribed to them, except when the context otherwise requires.

*“Certificate of title”* means a document issued by the appropriate official which contains a statement of the owner’s title, the name and address of the owner, a description of the vehicle, a statement of all security interests and additional information required under the laws or rules of the jurisdiction in which the document was issued, and which is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms “title certificate,” “title only” and “title” are synonymous with the term “certificate of title.”

*“Manufacturer’s certificate of origin”* means a certification signed by the manufacturer or importer that the manufactured or mobile home described has been transferred to the person or retailer named and that the transfer is the first transfer of the manufactured or mobile home in ordinary trade and commerce. The description shall include the make, model year, vehicle identification number and other information which may be required by statute or rule. The terms “manufacturer’s statement,” “importer’s statement or certificate,” “MSO” and “MCO” are synonymous with the term “manufacturer’s certificate of origin.”

*“Model year”* means the year of original manufacture or the year certified by the manufacturer. This rule is intended to implement Iowa Code section 322B.2.

**761—421.2(322B) Criteria for obtaining a manufactured or mobile home retailer’s license.**

**421.2(1) Licensing information.** Information concerning license requirements may be obtained from the Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278, or at its location in Park Fair Mall, 100 Euclid Avenue, Des Moines.

**421.2(2) Surety bond.** The applicant shall obtain a surety bond in the amount of \$50,000. The original bond shall be filed with the department. The bond shall provide for a 30-day notice to the department, prior to cancellation. The department shall notify the bonding company of any convictions of the principal for violation of Iowa Code chapter 321 or chapter 322B or these rules. The department shall notify the retailer by first-class mail that the retailer’s license shall be revoked the same date the bond is canceled unless the bond is reinstated or a new bond is filed.

**421.2(3) Place of business.** The applicant shall maintain a place of business at a designated location. A travel trailer may be used as an office if it is currently registered. A manufactured or mobile home may be used as an office if its taxes are current. The place of business shall include telephone service and an office area in which are kept the business records, manufacturer’s certificates of origin, certificates of title or other evidence of ownership of each manufactured or mobile home offered for sale.

**421.2(4) Separate place of business.** A separate retailer’s license shall be obtained in each county in which the applicant maintains a place of business.

This rule is intended to implement Iowa Code section 322B.3.

**761—421.3(322B) Supplemental statements.** A manufactured or mobile home retailer shall file with the department a written statement upon change of name, location of the retailer’s place of business or method or style of doing business. The written statement shall be filed within ten days of the change with a fee of \$35 in payment of a new license reflecting the change.

This rule is intended to implement Iowa Code section 322B.3.

**761—421.4(322B) Prohibited acts.**

**421.4(1)** Prohibited acts are listed in Iowa Code sections 321.104 and 322B.6.

**421.4(2)** Operation under distinct name. A manufactured or mobile home retailer shall not represent or advertise the business under any name other than the name that appears on the retailer's license.

This rule is intended to implement Iowa Code sections 321.104, 322B.6, 322B.7 and 322B.8.

**761—421.5(322B) Dealer plates.** Manufactured or mobile home retailers may obtain dealer plates as provided in Iowa Code sections 321.57 to 321.63. The plates shall bear the word "trailer." See rule 761—425.70(321) for further information.

This rule is intended to implement Iowa Code sections 321.57 to 321.63 and 322B.7.

**761—421.6(321,322B) Sale or transfer of manufactured or mobile homes.** The following criteria apply to the sale or transfer of manufactured or mobile homes.

**421.6(1) Retailer sales.**

*a.* A manufactured or mobile home owned by a retailer shall not be offered for sale unless the retailer has a properly assigned manufacturer's certificate of origin or a certificate of title for it. A retailer shall not sell a manufactured or mobile home owned by the retailer without delivering to the transferee a manufacturer's certificate of origin or a certificate of title duly assigned to the transferee.

*b.* A used manufactured or mobile home with an Iowa title assigned to the retailer shall not be reassigned by the retailer. After acquiring the used home, the retailer shall obtain a new certificate of title within the time period specified in Iowa Code subsection 321.45(4), and a title fee shall not be charged.

**421.6(2) Transfers.** A manufactured or mobile home not owned by a retailer may be offered for sale and sold by a retailer under the following conditions:

*a.* The manufactured or mobile home owner and retailer shall enter into a written listing agreement, signed by the owner or by one owner of a manufactured or mobile home owned jointly by more than one person, and signed by the retailer, which shall be dated and include the following provisions:

- (1) The make, model year, and vehicle identification number.
- (2) The period of time that the agreement shall remain in force.
- (3) The commission or other remuneration that the retailer is entitled to receive.
- (4) The price for which the manufactured or mobile home shall be sold.
- (5) The name and address of the secured party, if the manufactured or mobile home is subject to a security interest.

(6) Any additional terms to which the owner(s) and retailer agree.

*b.* If current taxes have not been paid, the taxes and penalties shall be paid from the proceeds of the sale.

*c.* The retailer shall inform a prospective purchaser of a manufactured or mobile home that the home is not owned by the retailer and, if requested by a prospective purchaser, provide the name and address of the owner(s).

*d.* An offer to purchase a manufactured or mobile home shall be in writing.

*e.* The retailer shall make a written disclosure to the purchaser of the description of the manufactured or mobile home; the name and address of the owner; if the home is subject to a security interest, the name and address of the secured party; and, if the current taxes have not been paid, the amount of taxes and penalties due. The disclosure statement shall be signed and dated by the transferee. The disclosure statement shall be in duplicate. The original shall be given to the transferee and the duplicate retained by the retailer, at the retailer's principal place of business, for a period of three years.

*f.* The documents required under 421.6(2) "a" and 421.6(2) "e" shall be made available to any peace officer for inspection upon request.

This rule is intended to implement Iowa Code sections 321.45, 321.46, 321.104 and 322B.6.

**761—421.7(322B) Right of inspection.** Peace officers employed by the department shall have the authority to inspect manufactured or mobile homes, business records, manufacturer's certificates of origin, certificates of title or other evidence of ownership of each manufactured or mobile home offered for sale.

This rule is intended to implement Iowa Code section 322B.7.

**761—421.8(322B) Criteria for obtaining a manufactured or mobile home manufacturer's or distributor's license.** Information concerning license requirements may be obtained from the office of vehicle services.

**421.8(1) Notification.** Manufactured or mobile home manufacturers and distributors shall, within ten days of the fact, notify the department in writing of:

*a.* Any change in the name, method of doing business or change in the location of the place of business as shown on the license, with a fee of \$35 in payment of a new license reflecting the change.

*b.* Issuance of a franchise or contract with a person in this state to sell new manufactured or mobile homes at retail.

*c.* Any change in the trade names of manufactured or mobile homes being manufactured for delivery in this state.

**421.8(2) Required acts.** Manufactured or mobile home manufacturers and distributors shall furnish sample manufacturer's certificates of origin to the department for each make of manufactured or mobile home assembled by the manufacturer for delivery in this state.

This rule is intended to implement Iowa Code section 322B.4.

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## CHAPTER 422

### TRAVEL TRAILER DEALERS, MANUFACTURERS AND DISTRIBUTORS

[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch 8]

Rescinded IAB 7/17/96, effective 8/21/96. See 761—Chapter 425.

## CHAPTER 423

Reserved